

Post 7-15-71

Court Lost Evidence In Huey Newton Appeal

OAKLAND, July 14 (AP)—The prosecution has revealed that a blood-soaked law book described as vital to the defense of Black Panther leader Huey P. Newton mysteriously disappeared last year.

Assistant District Attorney Donald Whyte said Tuesday that the book, "California Criminal Law," was lost by the State Court of Appeals, which ordered Newton's manslaughter appeal in the 1967 slaying of Oakland policeman John Frey.

Defense attorney Charles Garry, angrily demanded a mistrial and dismissal of charges on grounds that "vital evidence has been tampered with or destroyed, amounting to denial of due process of my client."

Judge Harold Hove denied the motion without prejudice, thus permitting Garry to raise the motion again at a later date.

Judge Hove also ordered Whyte and Garry to confer over the possibility of substituting another book or a photo for the original.

"I want nothing less than the book," Garry insisted. "It's been soaked in Newton's blood."

In his opening statements last week, Garry said that Newton, a former law student, was reading his constitutional rights from the book to Frey, who allegedly became "infuriated," pulled his gun, and shot Newton in the stomach.